REMARKS / DISCUSSION OF ISSUES

In the present amendment, claims 7 and 14 are cancelled without prejudice; and claims 1, 3, 4, 6, 8 and 10 are amended to clarify the subject matter. The support for the claim amendments may be found in Applicants' specification, for example, page 5, lines 30 – 32 and page 6, lines 17 – 22. No new matter is added.

Claims 1, 4 and 8 are independent.

Claim Objections

Claims 7 and 14 are objected to under 37 CFR 1.75 (c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. In the present amendment, claims 7 and 14 are cancelled and thus the objection to claims 7 and 14 is moot. Withdrawal of the objection to claims 7 and 14 is respectfully requested.

35 U.S.C. 102

Under 35 U.S.C. 102(e), the Office Action rejects claims 1 – 10 and 14 over Shuster, (U.S. Pat 6,826,546 B1).

Applicants submit that for at least the following reasons, claims 1 – 6 and 8 – 10 are patentable over Shuster.

For example, claim 1, in part, requires:

> "*if multiple second fingerprints are matched that meet a predefined proximity criterion with the first fingerprint, calculating a digital watermark associated with the first data sequence*."

Shuster, column 6, lines 3 – 5, discloses a determination of whether there is a match or not of the first checksum value with known checksum values in the library. However, Shuster does not disclose that if there are multiple matches then the watermark associated with the first data sequence is calculated, nor does Shuster disclose that the match is based on a predefined proximity criterion.

Therefore, Shuster fails to disclose the above claimed features: if multiple second fingerprints are matched that meet a predefined proximity criterion with the first fingerprint, calculating a digital watermark associated with the first data sequence.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Shuster.

Independent claims 4 and 8 contain at least the similar distinguishing features as discussed above with respect to claim 1. Applicants essentially repeat the above arguments for claim 1 and apply them to claims 4 and 8, pointing out why Shuster fails to disclose that if multiple second fingerprints are matched that meet a predefined proximity criterion with the first fingerprint, a digital watermark associated with the first data sequence is calculated. Therefore, for at least the above reasons, claims 4 and 8 are also patentable over Shuster.

Claims 2, 3, 5, 6, 9 and 10 respectively depend from claims 1, 4 and 8, and inherit all of the respective features of claims 1, 4 and 8. Thus, claims 2, 3, 5, 6, 9 and 10 are patentable for at least the same reasons discussed above with respect to each independent claim, from which they depend, with each dependent claim containing further distinguishing patentable features. Claims 7 and 14 are cancelled.

Withdrawal of the rejection of claims 1 – 10 and 14 under 35 U.S.C. 102(e) is respectfully requested.

Under 35 U.S.C. 102(e), the Office Action also rejects claims 1, 4 and 8 over Brunk et al., (U.S. Pat Pub 2002/0126872 A1), hereinafter Brunk.

Applicants submit that for at least the following reasons, claims 1, 4 and 8 are patentable over Brunk.

For example, claim 1, in part, requires:

"*if multiple second fingerprints are matched that meet a predefined proximity criterion with the first fingerprint, calculating a digital watermark associated with the first data sequence*."

Brunk, paragraph [0007], discloses a determination of whether there is a match or not of the derived signature with the stored signature. However, Brunk does not disclose that if there are multiple matches of the stored signatures then the watermark associated with the first data sequence is calculated, nor does Brunk disclose that the match is based on a predefined proximity criterion. Therefore, Brunk fails to disclose the claimed features: if multiple second fingerprints are matched that meet a predefined proximity criterion with the first fingerprint, calculating a digital watermark associated with the first data sequence.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Brunk.

Independent claims 4 and 8 contain at least the similar distinguishing features as discussed above with respect to claim 1. Applicants essentially repeat the above arguments for claim 1 with respect to Brunk and apply them to claims 4 and 8, pointing out why Brunk fails to disclose that if multiple second fingerprints are matched that meet a predefined proximity criterion with the first fingerprint, then a digital watermark associated with the first data sequence is calculated. Therefore, for at least the above reasons, claims 4 and 8 are also patentable over Brunk.

Withdrawal of the rejection of claims 1, 4 and 8 under 35 U.S.C. 102(e) is respectfully requested.

Conclusion

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

Respectfully submitted,

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